

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

MOHAMMED ABDUL MAJID,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-05-08-M
	)	
U.S. MARSHAL BERRYHILL, et al.,	)	
	)	
Defendants.	)	

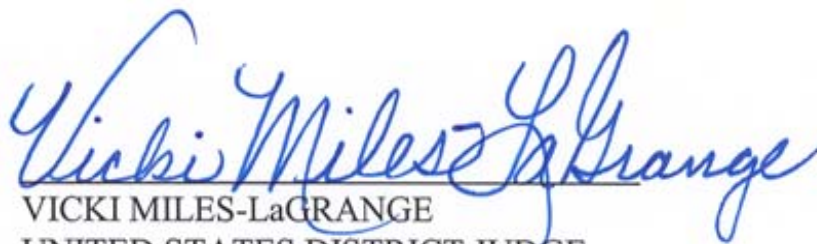
**ORDER**

Before the Court is plaintiff's Objections to the Magistrate's Order Dated January 13, 2006. In his objections, plaintiff contends that the United States Magistrate Judge erred when he denied plaintiff's motion for extension of time as untimely. Specifically, plaintiff contends that his motion to compel, which was timely filed, should have also been construed as a motion for extension of time. Having carefully reviewed plaintiff's objections and his motion to compel, the Court finds that the Magistrate Judge did not err in failing to construe the motion to compel as a motion for extension of time and did not err in denying the motion for extension of time as untimely.

In his objections, plaintiff also contends that the Magistrate Judge erred in denying plaintiff's motion to compel based on defendants' assertion of qualified immunity. Specifically, plaintiff asserts that defendants have not raised the issue of qualified immunity. Having carefully reviewed the file in this matter, the Court finds that defendants Suedo and Berryhill have raised the issue of qualified immunity. *See* Defendants' Suedo and Berryhill's Motion to Dismiss [docket no. 72]. Accordingly, the Court finds that the Magistrate Judge did not err in denying plaintiff's motion to compel based on defendants' assertion of qualified immunity.

The Court, therefore, OVERRULES plaintiff's Objections to the Magistrate's Order Dated January 13, 2006 [docket no. 86].

**IT IS SO ORDERED this 13th day of February, 2006.**



VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE